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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,232	08/18/2003	Junichi Yamayoshi	03500.014437.1	2988
5514	7590	07/14/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				SONG, HOON K
ART UNIT		PAPER NUMBER		
				2882

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/642,232	YAMAYOSHI, JUNICHI
Examiner	Art Unit	
Hoon Song	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 13-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 13-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. 09/553,859.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 13-18 are objected to because of the following informalities:

In claim 13 on line 9, "said control unit send" should read --said control unit sends--.

In claim 18 on line 10, "said control unit send" should read --said control unit sends--.

In claims 13-18, dependency of these claims are improper.

Appropriate correction is required.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 13-16 and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 and 4-5 of U.S. Patent No. US 6707880B2. Although the conflicting claims are not identical, they

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are not patentably distinct from each other because the instant claims are anticipated by the claims of the patent as follows:

Regarding claim 13, the patent claims an image sensing system comprising: a plurality of sensor units, each of which is adapted for sensing an image; selection unit, according to a user input to select a selected sensor unit form said plurality of sensor units, for sending a signal assigning the selected sensor unit (the present invention does not preclude the use of a plurality of selection units); a control unit for monitoring the signal assigning the selected sensor unit; wherein said control unit sends a command to the selected sensor unit to set the selected sensor unit in a ready state and a command to each of the other sensor units except the selected sensor unit to set each of the other sensor units in a sleep state (see claim 1 and 4).

Regarding claim 14, the patent claims wherein according to a user input to select a selected sensor unit from said plurality of sensor units, each of said plurality of selection units can send a signal assigning the selected sensor unit (see claim 1).

Regarding claim 15, the patent claims that the sleep state is a low current state in which a current supplied to a sensor unit is low (see claim 1).

Regarding claim 16, the patent claims that the sleep state is a low current state in which a current supplied to a sensor unit is cut off (see claim 2).

Regarding claim 18, the patent claims an image sensing system comprising: a plurality of sensor units each of which is adapted from sensing an image; a plurality of selection units, each of which is associated to each of said plurality of sensor units in one to one relation wherein each of said plurality of selection units can send a signal

assigning the selected sensor unit associated to itself according to a user input; and a control unit for monitoring the signal assigning the selected sensor unit, wherein said control unit sends a command to the selected sensor unit to set the selected sensor unit in a ready state and a command to each of the other sensor units except the selected sensor unit to set each of the other units in a sleep state (see claims 1 and 4).

Claim 17 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6707880 B2 in view of Sammon (US 5001735).

The patent fails to claim an auto exposure control mode.

Sammon teaches an auto exposure control mode (column 1 line 63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the controller of U.S. Patent No. 6707880 B2 to adapt the auto exposure control function as taught by Sammon, since the auto exposure control of Sammon would further reduce x-ray dosages.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HKS 7/18/04  
HICs



EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER